

Application No.: 10/815,983
Filing Date.: April 1, 2004

REMARKS

Upon entry of the foregoing amendments, Claims 1, 4-13 and 15-24 remain pending in the instant application. Claims 17-24 are currently withdrawn from consideration. Claims 1, 10, 15 and 16 have been amended. Claims 2, 3 and 14 have been canceled without prejudice and Applicants reserve the right to pursue the subject matter in these canceled claims at a later date.

Applicants would like to thank the Examiner for extending the courtesy of an interview to Applicant's representative, James F. Herkenhoff, on September 20, 2007.

Objections to the Specification

The Examiner noted the use of the trademark "Ambersorb®" in the application and requested that Applicants capitalize the trademark wherever it appears and be accompanied by its generic terminology. In response, Applicants have amended paragraph [0023] of the application, as noted above.

Objection to the Claims

The Examiner objected to Claim 10, requesting that "Ambersorb®" be replaced by the generic terminology. Applicants have amended Claim 10 as shown above and respectfully request withdrawal of this objection.

The Examiner objected to Claim 2 as not further limiting the invention because "the liquid" is not part of the claimed apparatus. Applicants have canceled Claim 2 without prejudice.

Rejection of the Claims Under 35 U.S.C. § 112

Claim 3 stands rejected under 35 U.S.C. § 112, ¶2 as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention. Applicants respectfully traverse the rejection as the meaning of the term "valveless" is well understood by a person of ordinary skilled in the art. Nevertheless, in order to expedite examination, Applicants have canceled Claim 3 without prejudice or disclaimer.

Rejection of the Claims Under 35 U.S.C. §103

Claims 1-4, 6, 7, 9, 10 and 13 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Stone (US 3,885,439) in view of Agui et al. (US 4,883,596). Applicants have canceled Claims 2 and 3 without prejudice and therefore submit the rejection of these claims is now moot. Applicants have amended Claim 1.

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Claim 8 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Stone in view of Agui et al. and further in view of Adams et al. (US 3,583,157).

Claims 1, 2, 4, 5-7, 9, 12, 14 and 16 stand rejected under 35 U.S.C. § 103 as unpatentable over Brittan (US 3,731,539) in view of Wolfe (US 3,841,156). Applicants have canceled Claim 2 and 14 without prejudice and therefore submit the rejection of this claim is now moot. Applicants have amended Claim 1.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Brittan in view of Wolfe and further in view of Adams et al. (US 3,583,157).

Claims 10 and 11 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Brittan in view of Wolfe and further in view of Skogley (US 5,355,736).

Claim 13 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Brittan in view of Wolfe and further in view of Weisberger (US 3,921,178).

Claim 15 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Brittan in view of Wolfe and further in view of Ogawa (US 4,527,968).

As noted above in the Interview Summary, the Examiner agreed that amending Claim 1 to recite a pump and power consumption parameters overcomes the rejections in the pending Office Action. Applicants have amended Claim 1 as shown above, which is generally consistent with the proposed claim discussed during the Examiner interview. Specifically, Applicants have amended Claim 1 to recite power consumption instead of current, as discussed during the interview. Amended Claim 1 is supported by at least the subject matter in paragraph [0032] of the specification. No new matter has been added.

Applicants respectfully submit that amended Claim 1 is in condition for immediate allowance. Claims 4-16 depend from amended Claim 1 and are therefore also in condition for immediate allowance, not only because they depend from and allowable base claim, but also because each of these claims recites a unique combination of features not taught or suggested in the cited art.

Claims have also amended Claims 15 and 16 to depend from amended Claim 1.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this

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application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance. Accordingly, an early issuance of a notice of allowance is requested.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on that portion or that the limitation discussed is essential or critical; rather, patentability must rest on each claim taken as a whole. Applicants respectfully traverse each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although changes to the claims have been made, no acquiescence, disclaimer or estoppel is intended or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter. Applicants may not have presented in all cases, arguments concerning whether the applied references can be properly combined or modified in view of the deficiencies noted above, and Applicants reserve the right to later contest whether a proper motivation and suggestion exists to combine or modify these references.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

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Respectfully submitted,

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AMEND

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